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DEPUTY MINISTER'S
OFFICE

SUMMARY OF LEGISLATION

AFFECTING MUNICIPALITIES

Enacted at the Fifth Session of the Twenty-fifth
Legislature of the Province of Ontario

Printed by the authority of
THE HONOURABLE WM. K. WARRENDER, Q.C.
Minister of Municipal Affairs



ONTARIO



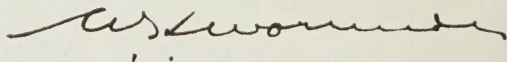
DEPARTMENT OF MUNICIPAL AFFAIRS

Department of Municipal Affairs Ontario



Yearly, since its organization in 1935, the Department, at the conclusion of each Session of the Legislature, has published a Summary of Legislation passed at the Session as it affects municipal affairs. This custom is continued with the accompanying Summary of Legislation passed at the Fifth Session of the 25th Legislature of Ontario, which Session ended March 26th, 1959.

This Summary does not summarize all the Acts passed at the present Session, nor does it refer to all the sections of the Acts mentioned in the Summary, but only those which are deemed to be of interest to municipal officials. The Summary has been prepared for the convenience of municipal officials who, for accurate reference, should consult the Statutes of Ontario.

A handwritten signature in dark ink, appearing to read "A. S. [unclear]".

Minister of Municipal Affairs.

Toronto, April 3rd, 1959.

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Extract of an Address made by the Honourable W. K. Warrender, Q.C., Minister of Municipal Affairs, in the Legislative Assembly on the 4th of March, 1959, with respect to an Act to amend The Municipal Unconditional Grants Act, 1953.

INDIGENT HOSPITAL COSTS UNDER THE ONTARIO HOSPITAL SERVICES PLAN

Traditionally, the responsibility for determining who were hospital indigents and for paying part of the cost of their hospital care has rested with the municipalities of Ontario. All potential cases of indigency were referred by hospitals to the municipality concerned, who upon being satisfied that the patient was indigent, paid to the hospital a statutory daily rate varying from \$3.75 in the case of a group "E" or group "F" hospital to \$6.00 in the case of a group "A" hospital. The total cost to municipalities under this arrangement has varied over the 3 years of 1955 to 1957 between \$8,023,624. and \$8,349,091. for a yearly average of \$8,169,700.

"Municipality," for the purposes of The Public Hospitals Act, 1957 means a county, city or separated town or, in territorial districts, any local municipality. All expenditures incurred by local municipalities, except cities in territorial districts for the care of indigent patients which were in excess of 2 mills of the taxable assessment were paid by the province. The average payment made by the province under this arrangement over the three year period 1954-6 was approximately \$180,000. No grant was payable by the province for the costs of indigent hospital care incurred by counties, cities and separated towns. Counties were able, however, under section 24 of The Public Hospitals Act, to recover up to a maximum of 50 per cent of all indigent patient costs from the local municipality concerned. All local municipalities including cities and separated towns had, in turn, a right of recovery under section 29 of the Act for hospital payments incurred against the indigent patient or his estate.

With the coming of the new hospital services plan it was decided that a large portion of the costs incurred by municipalities for indigent patients would be assumed by the province. The Prime Minister, in introducing the 1958 budget in his capacity as Acting Provincial Treasurer, stated that "effective in 1959 the province will pay to each municipality a special unconditional grant that will generally compensate them for their payments on behalf of hospitalized indigents." At that time it was thought that an unconditional grant of the per capita type would be a satisfactory method of compensation. Subsequent investigation revealed, however, that this method was not an adequate solution since the per capita costs of indigent hospital care varied widely from one municipality to another even where the population was approximately the same. In addition, the indigent costs borne by some municipalities, particularly the smaller ones, has changed appreciably from year to year. It was obvious that the payment of an unconditional grant on a per capita basis would be inequitable.

The problem was tackled by first of all dividing hospital indigents into three groups, each of which required a different approach. These groups are:

- (i) Those persons who are in receipt of continuing public assistance who are defined as recipients of public assistance under various provincial statutes, and particularly in the regulations made under The Hospital Services Commission Act, 1957.
- (ii) Those persons who are in receipt of provincial or municipal unemployment relief, including the unemployed unemployables,
- and (iii) those persons not insured in the hospital plan, who are not in receipt of unemployment relief and who, at the time of their admission to hospital are unable to pay their hospital bills—the “hospital indigents” properly so-called.

The procedure adopted in considering each of these groups was as follows:

(i) recipients of public assistance

The problem of dealing with this group was simplified to the extent that its members were all known. Their eligibility has been determined by regulations under The Old Age Assistance Act, 1951, The Blind Persons' Allowances Act, 1951, The Disabled Persons' Allowances Act, 1955, The Mothers' and Dependent Children's Allowances Act, 1957. The group, at present totalling about 150,000 persons, includes all persons defined as recipients of continuing public assistance under these acts, as well as those in receipt of federal pensions under The Old Age Security Act (Canada) who are, as the result of a means test, enrolled in the provincial medical welfare plan. The names of all the members of this group have been forwarded by the provincial Department of Public Welfare to the Hospital Services Commission which has given insured status to each member of the group by issuing an insurance certificate.

When any member of this group is admitted to hospital all costs of their care will be paid by the commission and the municipality will be relieved of any statutory obligation for payment of a daily rate for hospital care. Since all these recipients of continuing assistance were previously indigent on admission to hospital, it will be apparent that substantial relief to municipalities has resulted from the decision to give all these people insured status and while no accurate figures are available it is estimated that about 50 per cent of the statutory payments made by municipalities to hospitals were on behalf of recipients of public assistance.

(ii) recipients of provincial or municipal unemployment relief

This second group is also easily identifiable although its numbers are subject to fluctuation. It includes two classes of people—the unemployed unemployables who number about 10,000 and other unemployed persons who are receiving provincial or municipal unemployment relief. The commission took the view, that municipalities should continue to pay statutory rates on behalf of persons in this group who were admitted to hospital. In adopting this position the commission felt that municipalities were in the best position to ensure that such persons did not abuse the plan and that the continuation of a financial responsibility was the best guarantee of municipal co-operation in removing these patients from hospital when they were sufficiently recovered.

It was subsequently proposed that municipalities should have the right to pay hospital insurance premiums for those in receipt of unemployment

relief whether this relief was being paid on a more or less permanent basis as in the case of unemployed unemployables, or on a temporary basis. In this way the recipients of unemployment relief would become insured persons and the county municipality would no longer be required to make statutory payments on their behalf for costs of hospital care. Thus municipalities may now insure any or all recipients of unemployment relief thereby relieving themselves of any liability for statutory payments on behalf of hospital costs incurred by such recipients. Many municipalities have already made use of this arrangement.

(iii) the "hospital indigent" group

The Ontario Hospital Insurance Plan has been made mandatory only on groups of 15 or more employees to avoid certain difficulties which have been experienced with fully mandatory plans elsewhere. As a result of this non-mandatory feature of the plan a number of residents of the province have not become insured persons. To date, about 93 per cent of Ontario's population have been registered as insured persons under the plan so that only about 400,000 residents in all are non-insured. Of these 400,000 people a certain number will be unable to pay their hospital bills in whole or in part either because they are truly indigent or because they think they can escape making payment. Since it is important that some provision be made for paying the hospital costs of the truly indigent, it is equally important that the plan should be protected from abuse and that any ideas that hospital care is free to non-insured persons should be dispelled. It is worthwhile remembering in this connection that indigents comprise about 5 per cent of the total population and use about 20 per cent of all hospital bed days.

In the case of these hospital indigents properly identified as such, it was agreed that the present per diem statutory payments ranging from \$3.75 to \$6.00 should be retained as an obligation of the municipality. The views of the commission in this matter were the natural outgrowth of their concern lest the plan be abused. Retention of the statutory payments would ensure that municipalities would make every effort to satisfy themselves of a patient's indigent status before becoming committed to a payment. The financial interest of the municipality in a patient which had been established in this way would also be of value when the patient was ready to be discharged since the municipality would have a definite financial incentive to find cheaper accommodation outside the hospital.

Municipalities, while content to accept the continuation of their statutory obligation argued that statutory per diem payments should be retained only on condition that their right of recovery under section 29 of The Public Hospitals Act 1957 was also retained. The difficulty here was that under the Federal-Provincial agreement the Federal government would only pay its share of hospital costs for indigent patient care, amounting to 47 per cent, provided that no part of the sum involved is recovered. Various municipalities claimed that in addition to the fact that they were able to recover somewhere between 15 and 25 per cent of total costs incurred the right of recovery was also useful as an incentive for persons to subscribe to the plan and thereby avoid the hazards of becoming a hospital indigent. The province was able to work out a compromise whereby the right of recovery will be retained subject to the provi-

sion that it will expire at the end of twelve months after the date of discharge of the indigent patient from hospital. Where nothing is collected by the municipality within the twelve month period the province will be able to recover approximately 47 per cent of the difference between the total hospital costs and the statutory rates. Where any recovery is made the province will be responsible for payment of the total cost of hospital care since the Federal government will not share in any such costs.

In Section 386, paragraph 3 of The Municipal Act, there is authority for municipalities to pay insurance premiums in regard to risks that may involve pecuniary loss or liability. This permits the payment of insurance premiums to the Ontario Hospital Services Commission by cities, separated towns, counties, and the local municipalities in the Districts. It provides no authority for local municipalities comprising a county to pay such premiums for the insurance of recipients of unemployment relief and hospital indigents; the discretion as to this expenditure belongs to the county councils which may make an agreement with the Ontario Hospital Services Commission to assume this insurance.

The Council of Metropolitan Toronto has the same responsibility and discretion in regard to the insuring of relief recipients and hospital indigents of the area municipalities comprising Metro.

Municipalities have been relieved, as I have described, from their obligations for the payment of statutory rates on behalf of those indigents now insured either by the province as public assistance recipients or by payment of premiums for recipients of unemployment relief. These provisions will absorb by far the major part of the municipal burden. The Provincial hospital plan also absorbs the deficit of hospitals formerly borne by the municipality. There remains the question of the compensation which is to be paid to municipalities for hospital costs incurred on behalf of "hospital indigents." The formula which has been adopted is intended to guarantee municipalities relief from the major portion of these costs. For the year 1959, cities, separated towns, counties and local municipalities in the territorial districts will be paid 40 per cent of their average annual "statutory payments" made in the years 1955, 1956 and 1957, provided that in no instance shall the grant be less than 70 per cent of the "statutory payments" which are made in 1959. By "statutory payments" is meant the per diem payments required by sections 18 and 27 of The Public Hospitals Act, less any recoveries on these payments made under sections 29 and 30 of the same Act.

An interim grant equal to 40 per cent of the average annual "statutory payments" made in the years 1955, 1956 and 1957 will be made in May 1959 and any adjustment necessary to maintain the 70 per cent minimum will be made in 1960 after the statutory payments for 1959 have been finally determined. In counties this grant will be paid to the county municipality rather than to the local municipalities comprising the county and will be based on the total of the statutory payments made by the county and by the component local municipalities in the county. Legislation now before the House will provide that as of January 1st, 1959 counties will cease to collect any portion of the statutory payments from local municipalities under section 24 (1) of The Public Hospitals Act, and that the province will discontinue grants paid to municipalities in territorial districts

on statutory payments in excess of 2 mills on the total assessments. In this way the vast majority of municipalities involved will be relieved of the cost of hospital deficits and hospital indigency.

I may say, by way of conclusion, that this arrangement is provisional in character and will be the subject of continuing study.

THE MUNICIPAL UNCONDITIONAL GRANTS AMENDMENT ACT, 1959

BILL No. 77

Ontario Statutes, 1959, Chapter 64, effective January 1st, 1959

A new *Section 6b* is enacted to provide for the making of an unconditional grant in the year 1959 to each municipality that is obligated to make statutory payments on behalf of indigents in hospitals based on the average of the statutory payments made by the municipality in respect of the years 1955, 1956 and 1957. For convenience this section is printed in full:

6b. (1) In this section, "statutory payments" means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act, 1957* or the predecessors of such sections less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections.

(2) In the year 1959, there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant be less than 70 per cent of the statutory payments made by the municipality with respect to the year 1959.

THE MUNICIPAL AMENDMENT ACT, 1959

BILL No. 103

Ontario Statutes, 1959, Chapter 62, effective March 26th, 1959

1. **Interpretation.** The definition of debt is re-enacted in *clause cc of Section 1* for clarification purposes to make it clear that a municipality may incur debt otherwise than by borrowing and is transferred from the provisions dealing with money by-laws in order that it will apply to all provisions dealing with municipal debt. (Effective January 1st, 1959)

The definition of sewage is transferred from *Section 389* and enacted as *clause (gg)* of this section. (Effective January 1st, 1959)

2. Incorporations and Erections. A new *clause 9* is added to *Section 10* to define for the purpose of this section the term inhabitant to mean a permanent resident or a temporary resident having a permanent dwelling within the locality.

3. Qualifications of Candidates. *Clause (a) of Subsection (1) of Section 55* is amended to provide that the wife of an owner or tenant householder shall be qualified to be elected a member of the council of a local municipality as well as the owner or tenant.

4. Disqualifications not to Apply in Certain Cases. A new *clause j* is added to *subsection 3 of Section 56* to make it clear that a member of council is not disqualified when the municipality employs a relative of the member of council.

5. Disposal of Documents Relating to Election. A new *subsection 3* is added to this section providing for the disposal of other documents relating to an election in addition to the disposition of ballot papers.

6. Salaries of Members. *Section 223* is re-enacted to provide that the maximum salaries which may be paid to members of boards of control are increased by \$1,000. (Effective January 1st, 1959)

7. Moneys By-Law Recitals. *Subsection 1 of Section 298* which provided for the recital of certain information in money by-laws is repealed. (Effective January 1st, 1959)

8. When Debentures to be Made Payable. *Subsection 2 of Section 298* is amended to recognize the fact that a debt may be incurred otherwise than by the borrowing of money. (Effective January 1st, 1959)

9. Principal and Interest Payments, etc. *Subsection 3 and 4 of Section 298* are amended to make it clear that these provisions apply only to debenture by-laws. (Effective January 1st, 1959)

10. Debentures Payable at a Fixed Date. *Subsection 1 of Section 298b* is amended to make it clear that the money by-law referred to in the provision authorizing sinking fund debentures is a by-law for the issuing of debentures. (Effective January 1st, 1959)

11. Corporation May Incur Debt. *Subsection 1 of Section 300* is re-enacted to make clear that specific authority other than that contained in this Section is required of the municipality to incur debt. This Section was sometimes interpreted as an implied authority. (Effective January 1st, 1959)

12. Exceptions. The words "borrowing" "borrowed" "raising" or "raised" where they appear in *subsection 3 of Section 300* are struck out and "providing" or "provided" are substituted therefor. This is done to remove ambiguity by the use of different terms with respect to the providing of money for the purposes set out in the clauses. (Effective January 1st, 1959)

13. Contracts for the Supply of Public Utility Services. *Subsection 1 of Section 301* is amended by striking out "a public utility as defined in the

Public Utilities Act" and inserting in lieu thereof "any services to a public utility and as defined in The Department of Municipal Affairs Act or of sewage works". This amendment authorizes a municipality to contract for the supply of any public utility service including sewage disposal.

14. Rates for General Purposes on Residential and Farm Property. *Subsection 3 of Section 308* is amended to enable municipalities to apply the benefit of that portion of the unconditional grant re indigent hospitalization to all properties by removing the necessity of the division between residential and commercial. (Effective January 1st, 1959)

15. Yearly Estimates. *Subsection 1 of Section 311* is amended to make clear that the annual estimates must include provision for the retirement of debt and that grants for hospitalization are to be taken into account in the preparation of the estimates. (Effective January 1st, 1959)

16. Application of surplus Funds Raised on Debentures. *Subsection 3 of Section 315* is amended to permit municipalities, with the approval of the Ontario Municipal Board, to apply the whole or any part of the amount realized from the sale of debentures which is not required for the purposes for which the debentures were issued, to meet the whole or a portion of any other capital expenditure, provided the liability is upon the same class of ratepayer.

17. Accounts. *Subsection 1 of Section 316* is amended to make clear that separate accounts must be kept for each debt. (Effective January 1st, 1960)

18. Cost of Maintenance of Court Houses. *Subsection 1 of Section 373* is amended by striking out the reference to amounts the county is entitled to be repaid by the Province. The repayments referred to in this section were withdrawn when the one dollar per capital grant to municipalities for administration of justice came into effect and therefore should no longer appear in this section. (Effective January 1st, 1959)

19. Establishment of Air Harbours and Landing Grounds. *Clause a of paragraph 7 of Section 386* is re-enacted to provide that an airport commission shall be a body corporate. This is to enable the commission to enter into a lease or purchase property and removes the necessity of all the interested municipalities being named as parties in the contracts.

20. Contruction of Dams, Sewers, etc. Paragraph 12 of Section 386 is amended to enable municipalities to construct and maintain dams in addition to other purposes set out in this paragraph.

21. Temporary Closing of Highways. *Paragraph 46b* is enacted to *Section 386* to provide for the temporary closing of highways during periods of construction, repairing and improvement. Provisions are included for mandatory provision of alternate routes, barricades and warning devices, liability of municipality and penalties for use of closed highway and removal or defacement of barricades, etc.

22. Hospital Plan Contribution. *Paragraph 49B to Section 386* is enacted to permit Councils to make contributions on behalf of its municipal employees under the Ontario Hospital Care Insurance Plan up to the amount of the contributions of the employees as defined.

(Effective January 1st, 1959)

23. **Municipal Parking Lots.** *Clause (b) of Paragraph 52 of Section 386* is amended to make it clear that not only land specifically acquired for municipal parking lots but also other municipal property that may have been acquired for other purposes but is being used for parking purposes is deemed to be a highway for parking meter purposes.

(Effective January 1st, 1959)

24. **Parking Lot Levy.** *Subclause (i) of Clause (f) of Paragraph 52 of Section 386* is amended to permit a municipal levy against a defined area, the cost of the annual rental of leased land used for a parking lot or the operating deficit of a parking lot in addition to capital costs.

(Effective January 1st, 1959)

25. **Buildings.** All the provisions dealing with building by-laws have been repealed as these provisions are now transferred to The Planning Act, 1955.

26. **Chimneys.** *Paragraph 48 of subsection 1 of 388* is amended by deleting reference to construction as to dimensions and otherwise as this provision is now transferred to The Planning Act, 1955.

27. **Operation of Pits and Quarries.** *New paragraph 114a* is enacted to authorize municipalities to prohibit the operation of pits and quarries in areas in which the use of land was restricted to residential or commercial use by a restricted area by-law passed or an official plan adopted by the municipality before January 1, 1959.

28. **Public Garages, Licensing, etc.** *Paragraph 121 of subsection 1 of Section 388* is amended to authorize the licensing and regulating of operators of garages who are not owners as well as owners of garages.

29. **Restricted Area.** Section 390 has been repealed and the provisions authorizing municipalities to pass restricted area by-laws have been transferred to The Planning Act, 1955.

30. **Addition to Collector's Roll of Dues of Members of Farm Organizations.** *Paragraph 4b to Section 405* is enacted to authorize Councils of townships, upon approval of the Minister of Agriculture, to collect dues of members of farm organizations in the same manner as taxes.

31. **Daily Remuneration of Councils.** *Subsection 1 of Section 417* is repealed and substituted to authorize municipal councils for paying members up to the following maximum per diem rates:

	Population	Amount
(a) County		\$20.00
(b) Local Municipality	over 120,000	30.00
(c) " "	Over 20,000 under 120,000	25.00
(d) " "	Over 10,000 under 20,000	20.00
(e) " "	Under 10,000	16.00

(Effective January 1st, 1959)

32. **Annual Remuneration.** *Section 418* is repealed and substituted for payment of increased maximum allowances for all councillors, additional remuneration of committee and board chairmen and deduction of absence

from meetings with certain exceptions for absence due to other municipal business, illness or a death in the family. The new schedule of rates is as follows:—

Population	Amount
(a) Over 300,000	\$4,000.00
(b) Over 200,000 under 300,000	3,500.00
(c) Over 120,000 under 200,000	3,000.00
(d) Over 20,000 under 120,000	1,500.00
(e) Over 10,000 under 20,000	1,000.00
(f) Over 5,000 under 10,000	750.00
(g) Over 5,000 or under	350.00

(Effective January 1st, 1959)

33. Notice of Excavating on Highway. A new *Section 448a* is enacted to provide that a municipality notify a gas company, unless in an emergency, at least twenty-four hours prior to the commencement of any excavation upon a highway where such excavation may interfere with the gas line of a company.
(Effective May 25th, 1959.)

34. Number of Electors, How Determined. *Subsection 2 of Section 54* is repealed. The provision repealed had not been proclaimed in force.

35. Programmes Assisting Municipalities. This enactment provides that the provisions of *Section 262* of The Municipal Act do not apply to any undertakings, etc., approved by the Minister of Municipal Affairs in respect of the federal-provincial programme to assist municipal works.
(Effective January 1st, 1958.)

36. Grants Re Springhill Mine Disaster. This enactment provides retroactive authority for grants made to persons who or whose property suffered injury or damage through the disaster at Springhill, Nova Scotia, on or about the 23rd day of October, 1958, and to relief committees established to assist such persons.

THE ASSESSMENT AMENDMENT ACT, 1959

BILL No. 76

Ontario Statutes, 1959, Chapter 6, effective March 26th, 1959

1. Motels Liable to Business Assessment. *Clause m of subsection 1 of Section 6* is amended to provide that business assessment at 25% shall be levied against the assessment of land and buildings used as motels.

(Effective January 1st, 1959.)

2. Columns in Assessment Roll *Column 5 of subsection 2 of Section 16* is re-enacted to provide that the husbands or wives of persons assessed as owners or tenants in addition to farmer's sons' wives, farmer's daughters, or farmer's sisters shall have the letters M.F.N.C. placed after their names to denote that such persons are entitled to vote at municipal elections but are *not* to be counted for the purpose of determining representation in the county council.
(Effective January 1st, 1959.)

3. Where not Necessary to Enter M.F.N.C.'s in Roll. *Section 18* is amended to provide that in municipalities in the territorial districts in addition to cities and separated towns, it shall not be necessary to comply

with the provisions of *column 5 in subsection 2 of Section 16* by placing the letters M.F.N.C. after the names of husbands or wives of persons rated as owners or tenants, but such names may be entered in a separate roll.

(Effective January 1st, 1959.)

4. Commercial Mill Rate to be Applied Against Real Property Assessment where Business Assessment is Added.

- (a) A new *subsection 2a* is added to *Section 51* to provide that where a business assessment is entered on the assessment roll against a real property assessment which has been shown as liable for taxation at the residential—farm mill rate, the real property assessment shall in addition to the business assessment be liable for taxation at the commercial—industrial mill rate for the balance of the year remaining. (Effective January 1st, 1959.)
- (b) *Subsection 3 of Section 51* is amended to provide that the notice of assessment shall also show the amount of assessment to be taxed at the commercial—industrial mill rate and the usual rights of appeal shall apply. (Effective January 1st, 1959.)

5. Assessment Roll to be Amended where Certain Types of Assessment Added under Section 51a.

- (a) A new *subsection 1a* is added to *Section 51a* to provide that where a real property assessment becomes liable for taxation in the following year, at the commercial—industrial mill rate that the clerk shall amend the assessment roll. (Effective January 1st, 1959.)
- (b) *Subsection 2 of Section 51a* is re-enacted to provide that where an addition or amendment is made to the assessment roll under the provisions of *Section 51a* that the clerk shall, in sending out the notice of assessment, indicate where applicable the amount of assessment liable for taxation in the following year at the commercial—industrial mill rate and the usual rights of appeal shall apply. (Effective January 1st, 1959.)
- (c) *Subsection 3 of Section 51a* is re-enacted to provide that where additions or amendments are made to the assessment roll under this section the last revised assessment roll shall be deemed to include the assessments as added or amended. (Effective January 1st, 1959.)

6. Court of Revision Procedure, Notices, etc.

- (a) Various *subsections* of *Section 69* are amended to make it clear (1) that notices of appeal to the court of revision shall be given to the assessment commissioner but, if there is none, then the notices shall be given to the municipal clerk, and (2) that it is the clerk of the municipality and not the clerk of the court of revision, if any, who is to carry out the various procedures regarding notices of appeal, notices of decision, etc.
- (b) *Subsection 22 of Section 69* is amended to provide that the clerk of the municipality shall forward the notice of the decision of the court of revision within 14 days of the appeal being decided.

7. **Validity of Assessment Roll after Revision.** *Section 70* is amended to make it clear that it is the clerk of the municipality affected and not the clerk of the court of revision, if any.

8. **Appeals to County Judge.**

- (a) *Subsection 2, 4 and 5 of Section 72* are amended in keeping with the amendments made to No. 6 (a) of this Summary.
- (b) *Subsections 8 and 9 of Section 72* are amended to provide that the county judge shall determine all appeals not later than the 30th day of January in the year following that in which the appeals were made instead of the previous December 31st as formerly.
- (c) *Subsection 10 of Section 72* is amended to provide that where a county court of revision has been constituted that the county judge shall determine all appeals not later than the 15th day of March in the year following that in which the appeals were made instead of February 15th as formerly.
- (d) A new *subsection 11a* has been added to *Section 72* to provide that where a county judge dies or becomes incapable before hearing or determining an appeal, the clerk of the municipality shall notify the acting or succeeding judge who shall hear and determine such appeal and the time limits provided for in the previous subsections for determining appeals shall not apply.

9. **Alterations of Roll and Notice of Decision.**

- (a) *Subsection 1 of Section 79* is amended to make it clear that it is the clerk of the municipality who shall amend the roll after the decision of the judge has been given.
- (b) *Subsection 2 of Section 79* is amended to provide that the clerk of the municipality shall forward the notice of the decision of the county judge within 14 days of the appeal being decided.

10. **Notices of Taxes by Collector.** *Subsection 1 of Section 109* is re-enacted to make it clear that the collector shall deliver a written or printed notice to the person taxed of the amount of taxes and in addition may make a personal demand.

11. **Notice of Appeal.** *Subsection 6 of Section 124* is amended to make it clear that the notice of appeal from the decision of the court of revision under this section shall be given to the assessment commissioner, but if there is none, then the notice shall be given to the municipal clerk.

12. **Notice of Assessment.** *Form 3*, which is the assessment notice, is amended in keeping with prior amendments to indicate that the notice of appeal shall be given to the assessment commissioner, but if there is none, then the notice of appeal shall be given to the municipal clerk.

THE LOCAL IMPROVEMENT AMENDMENT ACT, 1959

BILL No. 104

Ontario Statutes, 1959, Chapter 55, effective March 26th, 1959

1. **Works Which May be Effected as Local Improvements.** *Clause n of subsection 1 of Section 2* is amended to permit the construction, on petition, of works for the supply of electricity on streets in villages and in townships in addition to cities and towns as was formerly permitted.

Clause o of subsection 1 of Section 2 which permits the construction of a subway under a railway is rewritten to also permit the construction of a roadway under a railway or another roadway.

2. **Manner of Service.** *Clause c of subsection 4 of Section 12* is amended for clarification purposes and now simply provides for the mailing of the notice rather than for the mailing of it at a postoffice as formerly provided.

3. **Construction of Sewer or Watermain.** A new *subsection 4* is added to *Section 20* to permit a council to provide for a reduction in the special assessment on corner lots with respect to sewers and watermains by not assessing the side part of the lot which is commonly known as flankage.

4. **Special Assessment on Flankage that becomes Frontage.** A new *Section 28a* is enacted to provide for making special assessments on flankage exempt from local improvement rates at the time of the passing of the by-law, that later becomes frontage. This section also provides that notice of such assessment shall be given by registered mail addressed to the then registered owner of such flankage and also provides for appeals against the assessment.

5. **Assessment for Opening Lane.** *Subsection 1 of Section 29* is amended to permit a reduction in a special assessment for the construction of a sewer for the purposes of drainage in a lane where a lot is not benefited to the same extent as other abutting lots.

6. **Special Assessment of Land Assessed in Block that Becomes Subdivided.** A new *Section 37a* is enacted which provides that where land that is assessed as a block and is specially assessed for local improvements, later becomes subdivided, that council may amend the local improvement by-law to provide for special assessments on the lots in the subdivision.

7. **Consolidating By-Law may Authorize Debentures of Different Terms of Years.** *Subsection 4 of Section 50* formerly stipulated that only cities could authorize the issue of debentures of different terms of years in a consolidating by-law. This subsection is amended to extend this authority to all municipalities.

8. **Assessment of Cost of Works in Areas.** Formerly *subsection 1 of Section 64* permitted the council of a township or village to provide that the cost of a local improvement undertaking might be levied on all the rateable property in a defined area. This subsection is amended to extend this authority to towns.

THE ONTARIO MUNICIPAL BOARD AMENDMENT ACT, 1959

BILL No. 75

Ontario Statutes, 1959, Chapter 67, effective March 26th, 1959

Supply of Water or Sewage Service. Formerly the Municipal Board could confirm, vary or fix rates charged to one municipality in connection with water supplied thereto by another municipality. *Clause j of subsection 1 of Section 56* is amended to extend this authority to sewage service.

THE PLANNING AMENDMENT ACT, 1959

BILL No. 54

Ontario Statutes, 1959, Chapter 71, effective May 25th, 1959

1. **Adoption of Plan.** *Section 11* formerly provided that the council of the designated municipality might adopt a plan by a vote of a majority of all the members. This section is amended to provide for the adoption of the plan by by-law.

2. **Establishment of Committees of Adjustment.** *Section 17* is revised to provide:

- (1) That committees of adjustment may be established by municipal councils only instead of by councils and planning boards as at present. (*Existing committees of adjustment established by a planning board are authorized to continue for not longer than one year from May 25th, 1959 unless sooner replaced by a committee established by by-law of the municipal council.*)
- (2) That committees of adjustment cannot hear and determine applications until their rules of procedure have been adopted as approved by the Minister.
- (3) That the powers of a committee of adjustment to act are not impaired when there is a vacancy or a member is unable to act.
- (4) That teachers may be appointed to committees of adjustment.

3. **Decision—Committee of Adjustment.** *Subsection 8 of Section 18* is amended to provide that the concurrence of a majority of the members present at a hearing is necessary for a decision rather than a majority of all the members as formerly.

4. **Dedication of Land For Public and Highway Purposes.** In *subsection 5 of Section 26* the words "The Minister may impose as a condition to the approval of a plan of subdivision" are deleted and the words "The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are advisable and, in particular but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition" inserted instead.

In *subsection 5 of Section 26* a new *clause d* enables the Minister to impose as a condition to the approval of a plan of subdivision that the owner of the land enter into one or more agreements with the municipality dealing with such matters as the Minister may consider necessary, including the provision of municipal services. (Effective March 26th, 1959.)

5. **Subdivision Agreements.** New subsections are added to *Section 26* enabling municipalities to enter into agreements as a condition to the approval of a plan of subdivision, and these subsections are as follows:

- (5a) Every municipality may enter into agreements imposed as a condition to the approval of a plan of subdivision. (*Agreements validated. Every municipality shall be deemed to have always had authority to enter into agreements imposed as a condition to the approval of a plan of subdivision and all such agreements entered into before this section comes into force are hereby validated and confirmed and declared to be legal, valid and binding.*)

(5b) Where the owner of the land or the municipality in which the land is situate is not satisfied as to the conditions imposed or to be imposed by the Minister or by the municipality, as the case may be, he or it may, at any time before the plan of subdivision is approved, require the matter to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, in which case the matter shall be deemed to be referred to the Board under *Section 29*. (Effective March 26th, 1959.)

6. **Part III Restricted Area and Building By-Laws.** This new Part includes the provisions transferred,

- (1) from *Section 390 of The Municipal Act* authorizing the councils of local municipalities to pass by-laws regulating the use of land and the erection and use of buildings, and
- (2) from *Section 388 of The Municipal Act* authorizing the councils of local municipalities to pass by-laws respecting standards of buildings. (Effective March 26th, 1959.)

7. **Pits and Quarries.** *Paragraph 6 of subsection 1 of the new Section 27a* permits municipalities to pass restricted area by-laws for prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof. (Effective March 26th, 1959.)

8. **Building Codes.** *Paragraph 22 of Section 27b* is new and authorizes municipalities to adopt the whole or any part of the National Building Code of Canada and codes approved by the National Research Council (Canada) in connection with the National Building Code.

(Effective March 26th, 1959.)

THE POWER COMMISSION AMENDMENT ACT, 1959

BILL No. 94

Ontario Statutes, 1959, Chapter 73, effective January 1, 1959

1. **Valuation of Generating and Transformer Station Buildings.** A new *subsection 2a* is added to *Section 45a* to provide that a valuation of \$2.00 for each square foot of the inside ground floor area shall be placed on generating station or transformer station buildings actually housing the generating, transforming and auxiliary equipment and machinery, multiplied by the equalization factor used in that year by the Department of Municipal Affairs.

2. **Business Assessment.** *Subsection 3 of Section 45a* is re-enacted to provide that business assessment at the rate of 60% shall be calculated on the valuation ascertained under *subsection 2a* in addition to the business assessment resulting from applying the same percentage against the valuation of all land, and all buildings used exclusively for executive and administration purposes.

3. **Limitations on Amounts Paid to Municipalities.** A new *subsection 4a* is added to *Section 45a* to provide that the amount paid to a municipality in any year as a grant in lieu of taxes under the provisions of this Act shall

not exceed 50% of the total amount required for all purposes of the municipality and its local boards, being raised by the imposition, rating and levying of all rates, assessments and taxation except local improvement rates upon rateable property within the municipality in that year.

4. **Valuations.** *Subsection 6 of Section 45a* is amended to provide that the valuations under *subsection 2a* shall be made by the Department of Municipal Affairs.

5. **Machinery, Etc. Exempt.** *Subsection 12 of Section 45a* is amended to provide that the machinery and equipment, etc. housed or connected with the buildings specified in *subsection 2a* shall not be included for valuation purposes.

THE MUNICIPAL FRANCHISE EXTENSION AMENDMENT ACT, 1959

BILL No. 105

Ontario Statutes, 1959, Chapter 63, effective January 1st, 1959

This Act amends *The Municipal Franchise Extension Act, 1958*, to remove the necessity of an enumeration and is printed, in full, below:

No. 105

1959

BILL

An Act to amend

The Municipal Franchise Extension Act, 1958

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. — (1) Clause *a* of subsection 2 of section 1 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor:

(a) is or will be of the full age of twenty-one years on or before the 1st day of October in the year in which the resident voters' list is to be prepared.

(2) Clause *c* of subsection 2 of the said section 1 is repealed and the following substituted therefor:

(c) has resided in the municipality for the last twelve months next preceding the 1st day of January of the year in which the resident voters' list is to be prepared.

2. Section 3 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor:

3. — (1) The names of the persons entitled to be entered on the resident voters' list shall be obtained by the assessor during the taking of the assessment in the year.

1958, c. 66,
s. 1, subs. 2,
cl. a,
re-enacted

1958, c. 66,
s. 3,
cl. c,
re-enacted

1958, c. 66,
s. 3,
re-enacted

Preparation
of list

- | | |
|---|-----------------------------|
| (2) The assessor shall call at least once at every place of residence in the municipality and shall secure the names and addresses of all persons who are entitled to be entered on the resident voters' list. | Duties of assessor |
| (3) The assessor shall take all necessary precautions to ensure that his list, when complete, contains the names and addresses of persons entitled to be entered on the resident voters' list that he has been able to obtain and does not contain the name of any person not so entitled and he shall deliver such list to the clerk of the municipality not later than the day fixed for the return of the assessment roll. | Idem |
| (4) Where the assessor is unable to obtain the required information at any place of residence, he shall leave such number of Form 1 as he deems necessary at such place of residence. | Registration form |
| (5) When the name and address of any person entitled to be entered on the resident voters' list cannot be obtained by the assessor, such person may complete Form 1 and file it with the clerk of the municipality not later than the day fixed for the return of the assessment roll. | Filing of registration form |
3. Section 4 of *The Municipal Franchise Extension Act, 1958* is amended by striking out "enumerator's list and the Forms filed with him under subsection 7" in the second and third lines and inserting in lieu thereof "assessor's list and the Forms filed with him under subsection 5", so that the section shall read as follows:
- | | |
|--|---|
| 4. The clerk of the municipality shall prepare the resident voters' list from the assessor's list and the Forms filed with him under subsection 5 of section 3 by listing the names and addresses appearing thereon, except those that also appear on the voters' list prepared under <i>The Voters' Lists Act, 1951</i> , in the same order as in such voters' list and, where the municipality is divided into polling subdivisions, shall prepare a separate list for each subdivision. | List to be prepared by clerk

1951, c. 93 |
|--|---|
4. Section 9 of *The Municipal Franchise Extension Act, 1958* is amended by inserting after "statement" in the first and second lines "to an assessor or", so that the section shall read as follows:
- | | |
|---|--|
| 9. Every person who knowingly makes an untrue statement to an assessor or in any form under this Act is guilty of an offence and on summary conviction is liable to a fine or not less than \$25 and not more than \$100. | 1958, c. 66, s. 9, amended

Offence, untrue statements |
|---|--|
5. Form 1 of *The Municipal Franchise Extension Act, 1958* is repealed and the following substituted therefor:
- | |
|---------------------------------|
| 1958, c. 66, Form 1, re-enacted |
|---------------------------------|

FORM 1

Section 3 (4, 5)

THE MUNICIPAL FRANCHISE EXTENSION ACT, 1958

Municipality.....

Polling Subdivision No.

I, the undersigned, hereby request that my name be entered in the resident voters' list and certify that the information given herein is correct.

Full name.....

Present address.....

Are you a British subject?.....

Are you or will you be 21 years of age or over on or before the 1st day of October (*insert year*)?.....

Have you resided in.....(*name of municipality*)
for the last twelve months next preceding the 1st day of January
(*insert year*)?.....

.....
Date Signature

NOTE: If you wish your name entered on the resident voters' list, this form must be filed with the municipal clerk not later than (*insert the day fixed for the return of the assessment roll*).

6. Item 3 of Form 2 of *The Municipal Franchise Extension Act, 1958* is amended by striking out "date of the commencement of the enumeration for this election" in the third line and inserting in lieu thereof "1st day of January (*insert year*)", so that the item shall read as follows:

3. That you have resided in.....(*name of municipality*)
for the last twelve months next preceding the 1st day of January
(*insert year*) and that you reside in such municipality on the day of polling.

7. This Act shall be deemed to have come into force on the 1st day of January, 1959.

8. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1959*.

1958, c. 66,
Form 2,
item 3,
amended

Commence-
ment

Short title

THE PUBLIC SCHOOLS AMENDMENT ACT, 1959

BILL No. 2

Ontario Statutes, 1959, Chapter 83, effective March 26th, 1959

1. **By-Law Setting Apart Township School Area.** *Subsection 1 of Section 15* is re-enacted to make it clear that the school sections included in a township school area and the boards thereof cease to exist when a by-law establishing a township school area becomes effective.

2. **Award of Arbitrators.** A new *subsection 13a* is added to *Section 32* to clarify the right of the arbitrators of a union school section to deal with areas other than those specified in the petition.

3. **Appointment of Arbitrator.** A new *clause "c"* is added to *subsection 25 of Section 32* to provide that councils petitioned with respect to a union school section shall appoint an arbitrator within thirty days of the receipt of a petition.

4. **Debentures.** *Subsection 13 of Section 56* is amended to clarify the procedure for each municipality in a township school area or an urban union school section with regard to its debenture payments to the municipality that issued the debenture.

5. **Levying School Rate When There is No Public School in a Municipality.** *Subsections 2 and 3 of Section 64* are amended for clarification purposes only with no change in principle.

6. **Parts of Section to be Adjoining.** A new *subsection 5* is added to *Section 65* to provide that all parts of a school section, except a township school area, shall be adjoining.

7. **Election of Trustees.** *Section 162 of The Municipal Act* provides an election shall not be declared invalid by reason of an irregularity in the proceedings where the irregularity has not affected the results of the election. A new *subsection 3* is added to *Section 84* to make this provision applicable to the election of public school trustees.

8. **Attendance of Children of Non-Residents.** *Subsection 5 of Section 90* is re-enacted to clarify the means of determining the amount of assessment that a non-resident must have in a school section in order to have the right to send his child to a school in that school section.

9. **Administration.** *Subsection 2 of Section 91* is amended and *subsections 3, 3a and 4 of Section 91* are repealed to conform with the repeal of *Sections 115, 116, 117 and 118.*
(Effective January 1st, 1959)

10. **Township Grant Towards Teachers' Salaries.** *Sections 115, 116, 117 and 118,* which required townships to make grants to public school boards are repealed. With the present system of legislative grants, township grants are no longer effective for the purpose of providing a uniform tax rate, which was the original purpose of these grants. Townships are permitted to make grants on a voluntary basis under *Section 62.*
(Effective January 1st, 1959)

11. **School Inspectors.** *Section 120a* is amended to clarify the position and qualifications of public school inspectors appointed by a board of education.

THE SCHOOLS ADMINISTRATION AMENDMENT ACT, 1959

BILL No. 3

Ontario Statutes, 1959, Chapter 92, effective March 26th, 1959

1. **Contributions.** A new *subsection 1a* is added to *Section 37* to authorize a board to contribute toward the cost to employees of the Ontario hospital care insurance plan up to the amount of the contribution made by the employee. (Effective January 1st, 1959)

2. **Equality of Votes.** *Subsection 4 of Section 38* is re-enacted to provide that in the case of an equality of votes at the election of a chairman or or vice-chairman, the candidates shall draw lots to fill such positions.

3. **Teachers Disqualified as Trustees.** Formerly a teacher was disqualified as a trustee of the board by which he was employed and also of all other boards having jurisdiction in any part of the area in which the board by which he was employed had jurisdiction. *Subsection 2 of Section 42* has been amended to provide that he is only disqualified as a trustee of the board by which he is employed.

4. **Relative of Employee of Board.** A new *subsection 2a* is added to *Section 43* to provide that a trustee is not disqualified when a board employs a relative of the Trustee.

5. **Buildings on Land Prohibited.** A new *subsection 3a* has been added to *Section 58* to make it clear that where a board of a city or town acquires land in an adjoining municipality in view of probable further extension of the limits of the city or town so as to include such land, no building is to be erected thereon until such land is included within the limits of the city or town.

THE SECONDARY SCHOOLS AND BOARDS OF EDUCATION AMENDMENT ACT, 1959

BILL No. 4

Ontario Statutes, 1959, Chapter 93, effective March 26th, 1959

1. **Interpretation.** *Clause b of subsection 3 of Section 1* and *clause b of subsection 4 of Section 1* are re-enacted to provide a uniform method of determining the average assessment of non-resident ratepayers in order to determine whether or not a person has a right to attend a secondary school as a resident or county pupil.

2. **Discontinuing or Decreasing High School Districts.** A new *Section 15a* is added to provide that a by-law discontinuing or decreasing a high school district that includes a city or separated town shall not be effectual until it is approved by by-law of the city or separated town passed before the first day of July in the same year.

3. **Disagreement as to Cost of Education or Fees.** A new *clause d* is added to *subsection 1 of Section 71* to provide for an appeal to a county judge where a dispute cannot be settled between a board and the person or his parent or guardian as to whether or not a person is entitled to attend a secondary school as a resident or county pupil.

THE TRAINING SCHOOLS AMENDMENT ACT, 1959

BILL No. 20

Ontario Statutes, 1959, Chapter 102, effective May 25th, 1959

This Act is amended to authorize the Lieutenant-Governor in Council to fix the amounts payable by the Province and by municipalities toward the maintenance of boys and girls in training schools. The amounts were formerly fixed by the Act.

THE COMMUNITY CENTRES AMENDMENT ACT, 1959

BILL No. 47

Ontario Statutes, 1959, Chapter 16, effective March 26th, 1959

1. **Composition of Board.** *Subsection 1 of Section 6* is amended to make the qualifications for membership on the board of management of a community centre correspond to the qualifications for membership on the board of management under *paragraph 53 of Section 386 of The Municipal Act* so that the same board may serve both purposes. The amendment provides the person must be qualified to be elected as a member of council to sit on the board rather than a resident rate-payer as formerly.

THE DOG TAX AND THE CATTLE, SHEEP AND POULTRY PROTECTION AMENDMENT ACT, 1959

BILL No. 45

Ontario Statutes, 1959, Chapter 30, effective March 26th, 1959

1. **Running at Large of Dogs in Unorganized Territory.** A new *subsection 7a* is enacted to provide that the Lieutenant-Governor in Council may make regulations for prohibiting or regulating the running at large of dogs in territory without municipal organization.

2. **Interpretation.** The definition of "injured" in *clause b of Section 8* is amended by deleting the word "terrifying."

3. **Liability of Municipality.** *Subsection 1 of Section 10* is amended by adding at the end thereof "or habitually kept upon his premises." These words are added to make the persons entitled to be paid damages by a municipality the same as those liable to pay dog tax under *Section 2 (1)* of the Act.

4. **By-Law for Damages by Wild Animals.** *Subsection 3 of Section 10* is amended to add poultry to the livestock to which a municipal by-law that assumes liability for damage by wild animals may apply.

5. **Denial of Liability.** Under the Act a municipality is absolutely liable to pay for damage to livestock where the owner swears an affidavit that he believes the damage was caused by a dog. A new *subsection 2a* is added to *Section 11* to provide that upon the report of the valuer the council of the municipality may deny liability in whole or in part by written notice given by the clerk of the municipality to the owner of the cattle, sheep or poultry within thirty days after the filing of his affidavit with the clerk.

Subsection 2b provides the amount of damage for which a local municipality is liable shall not include damage incurred under the circumstances set out in *subsection 2a* and for which the municipality has denied liability in accordance with its provisions.

6. **Amount of Damage Limited.** *Subsection 8 of Section 11* is re-written to add a maximum of \$1,000. to municipal liability for damage to poultry.

THE HIGHWAY IMPROVEMENT AMENDMENT ACT, 1959

BILL No. 23

Ontario Statutes, 1959, Chapter 42, effective March 26th, 1959

1. **Cost of Constructing King's Highway Connecting Links.** A new *subsection 6a* is added to *Section 22* to enable the Department to contribute by way of agreement with a city, town or village to the cost of additional widths of roadways necessary to permit the proper interchange of traffic at intersections of the highway designated under *subsection 1 of Section 22* with any other highway.

2. **Development Roads.** *Section 84* is re-enacted to broaden the scope of this Section which permits provincial contribution to the construction or maintenance of development roads.

3. **Approval of By-Laws.** A new *Section 99a*, designed to expedite approval procedures, is enacted to provide that any by-law which is submitted to the Minister for approval under this Act may be approved in whole, in part or subject to conditions and, where the by-law is approved in part or subject to conditions, that the by-law has force and effect only as so approved.

THE HIGHWAY TRAFFIC AMENDMENT ACT, 1959

BILL No. 85

Ontario Statutes, 1959, Chapter 43, effective May 25th, 1959

1. **Obstructing View of Driver.** *Section 16a* is re-enacted to prohibit, in addition to the former prohibition re placing of objects on windshields, the driving of a motor vehicle on a highway with any object placed or hung in the vehicle which will obstruct the driver's view. This section does not prevent the use of signs, markers or equipment required under this Act or the regulations.

2. **Penalties.** *Subsection 5 of Section 19* is re-enacted and the penalties for the offence of exceeding the limits for a vehicle in relation to width, height and length are increased. The maximum penalties are increased for a first offence from \$10. to \$50., for a second offence from \$25. to \$100. and for a subsequent offence from \$50. to \$200.

3. **Suburban Districts in Townships.** A new *subsection 1b* is added to *Section 28* which authorizes the councils of townships having a population exceeding 60,000 to designate suburban districts in the townships and to prescribe a speed limit of 30 miles per hour within such districts.

4. **Increase in Built-Up Area, Etc.** *Subsection 2 of Section 28* is re-enacted to provide that the council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven upon a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven upon a highway within a built-up area, urban area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour.

5. **Fire Department Vehicles.** *Subsection 3 of Section 28* is re-written and now provides the speed limits prescribed under this Act or the regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

6. **Penalty for Illegal Loading.** *Subsection 3 of Section 38* is re-enacted to increase the penalties for improper loading of commercial motor vehicles which results in part of the load becoming dislodged and falling from the vehicle during transit. The maximum penalties are increased for a first offence from \$10. to \$50., for a second offence from \$25. to \$100. and for a subsequent offence from \$50. to \$200.

7. **Highways Outside Cities, Towns and Villages.** A new *subsection 5c* is added to *Section 41* which authorizes the Lieutenant-Governor in Council to make regulations designating a highway or part thereof outside a city, town or village, upon which passing on the right would be permitted.

8. **Use of Passing Beam.** The provision requiring a driver to use the lower or passing beam when approaching an oncoming vehicle is transferred from the regulations to the Act. A new *Section 46a* provides for the use of a passing beam when following a vehicle within 200 feet, except when overtaking and passing.

9. **Failing to Remain at Accident.** *Section 48* provided for the offence of failing to remain at the scene of an accident. The courts have held that this section is operative as it is now provided for in the Criminal Code (Canada) and it has been repealed.

THE BOUNDARIES ACT, 1959

BILL No. 60

Ontario Statutes, 1959, Chapter 8, effective May 25th, 1959

This new Act is similar in principle to Acts in most of the other provinces of Canada and to the *Canada Lands Surveys Act (Canada.)*

The purpose of the Act is to provide a means of authoritatively determining disputed or uncertain boundaries of lands in an expeditious and inexpensive manner. It permits applications by owners and municipalities among others to the director of titles appointed under *The Land Titles Act* to have boundaries of a parcel that were established by a survey

confirmed. It also permits applications to the director to have a parcel surveyed and the boundaries that are established by the survey confirmed where,

- (a) an error appears in or doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision.

THE GENERAL WELFARE ASSISTANCE AMENDMENT ACT, 1959

BILL No. 95

Ontario Statutes, 1959, Chapter 41, effective March 26th, 1959

1. **Local Municipal Administration.** *Subsection 1 of Section 5* is amended by striking out "with the approval of the Minister." This amendment gives the local municipal council complete autonomy in the appointment of municipal welfare administrators.

2. **Indian Bands.** A new *Section 9a* is enacted to enable the councils of Indian bands to function in the same way as the councils of municipalities now do in all matters relating to the granting of assistance under the Act to members of the band who are eligible for assistance.

Under present regulations the Province will contribute 80 per cent of the cost of this extension of the general welfare assistance programme.

(Effective when proclaimed.)

THE MINING TAX AMENDMENT ACT, 1959

BILL No. 72

Ontario Statutes, 1959, Chapter 61, effective May 25th, 1959

Interpretation. *Clause c of Section 1* is re-enacted to remove all doubt that common salt mines, where the salt is extracted in the form of brine, come within the definition of the term "mine."

THE POLICE AMENDMENT ACT, 1959

BILL No. 115

Ontario Statutes, 1959, Chapter 72, effective March 26th, 1959

Sale of Stolen and Abandoned Property in Possession of Police. The Act formerly authorized boards of police commissioners to sell unclaimed articles after holding them for three months. *Subsections 1 and 2 of Section 16* are amended to relieve the difficulties and expense experienced in storing unclaimed motor vehicles and bicycles. The amendments authorize the sale of these articles after one month and reserves the owner's right to claim the proceeds within the former three-month period if he should become known.

THE PROVINCIAL PARKS AMENDMENT ACT, 1959

BILL No. 27

Ontario Statutes, 1959, Chapter 78, effective March 26th, 1959

1. **Road Allowances.** A new *subsection 3a* is added to *Section 3* which affords a simple method of clearing title to unopened road allowances in areas that become provincial parks. This subsection provides that notwithstanding *The Municipal Act* a municipality may pass by-laws authorizing it to convey to the Crown for the purposes of a provincial park any unopened road allowance under its jurisdiction and control.

THE PUBLIC HEALTH AMENDMENT ACT, 1959

BILL No. 101

Ontario Statutes, 1959, Chapter 79, effective when proclaimed

1. **Upholstered and Stuffed Articles.** *Clauses zgg and zggg of Section 5* are amended to overcome difficulties which were encountered in enforcing the regulations for upholstered or stuffed articles due to uncertainty as to the identity of articles kept in a storeroom that are sold by sample in a showroom.

2. **Inspection, Etc., of Upholstered or Stuffed Articles.** *Section 98* is re-written to complement the amendment to *Section 5*.

THE PUBLIC HOSPITALS AMENDMENT ACT, 1959

BILL No. 98

Ontario Statutes, 1959, Chapter 80, effective January 1st, 1959

1. **Interpretation.** In *clause q of Section 1* the definition of "treatment" is amended to provide for dental service in those hospitals where such treatment is authorized by the board of directors.

2. **County's Right to Contribution.** Formerly *subsection 1 of Section 24* permitted a county to recover up to one-half of the amounts payable by the county in respect of indigent patients from the local municipality in which the patient resided. This subsection is now repealed removing this right of recovery.

3. **Municipal Right of Recourse Against Patient.** *Section 29* is amended by adding *subsections 2, 3 and 4* which set forth the method by which a municipality may recover payment made by it for hospitalization or burial of any person. These new provisions are in line with the terms of the federal government's participation in the hospital services plan. For convenience these subsections are quoted hereunder.

(2) The right of a municipality under this section to recover any payment made by it to a hospital for the treatment of a patient shall commence the day after the patient is discharged from the hospital and shall not include the right while the patient is in hospital to take all or part of the pension received by the patient under the *Old Age Security Act* (Canada) or received under that Act by the person whose dependant the patient is.

- (3) The taking by a municipality of a conveyance of or a security on land under a municipal by-law authorized by paragraph 30 of section 386 of *The Municipal Act* to recover any payment made by the municipality for the treatment of a patient is deemed to be recovery for the purposes of this section although the realization on the conveyance or security may occur more than one year after the discharge of the patient from the hospital.
- (4) The right of a municipality under this section to recover any payment made by it to a hospital for the treatment of a patient shall cease one year after the discharge of the patient from the hospital.

THE PUBLIC LIBRARIES AMENDMENT ACT, 1959

BILL No. 24

Ontario Statutes, 1959, Chapter 82, effective March 26th, 1959

1. **Interpretation.** *Clause a of Section 1* is amended to include a county library board in the definition of "board."
2. **Union Public Library.** *Section 11* is repealed and *Section 21* is re-enacted to authorize the councils of two or more local municipalities to establish a union public library service by agreement.
3. **Officials, Powers and Duties of Board.** Sections 26, 32, 33 and 34 are re-enacted to provide more specifically for the appointment and duties of the chairman, secretary and treasurer of a public library board, and to set out in more detail the powers and duties of a board.
4. **County Libraries.** Part III-A is added to the Act to provide for the establishment of county library services where at least 75 per cent of the local municipalities request the county to establish this service.

THE ADMINISTRATION OF JUSTICE EXPENSES AMENDMENT ACT, 1959

BILL No. 8

Ontario Statutes, 1959, Chapter 1, effective May 25th, 1959

1. **Payment of Expenses of Bringing Accused to Trial.** A new *Section 12a* is enacted to improve the administration of justice by providing that where the Attorney-General is of the opinion that it is advisable to bring a person charged with an indictable offence from a place out of or in Ontario to the place of trial in Ontario, he may direct that such be done and in every such case the expenses incurred in carrying out the direction shall be paid out of the moneys appropriated by the Legislature for the administration of justice.

THE DESERTED WIVES' AND CHILDREN'S MAINTENANCE AMENDMENT ACT, 1959

BILL No. 61

Ontario Statutes, 1959, Chapter 29, effective March 26th, 1959

Enforcement of Order. Formerly under *subsection 1 of Section 9* summonses and warrants to defaulters were issued by a judge or magistrate. This subsection is re-enacted to provide that these documents may be issued by justices of the peace.

THE CORONERS AMENDMENT ACT, 1959

BILL No. 10

Ontario Statutes, 1959, Chapter 19, effective May 25th, 1959

1. **Coroner's Expenses.** A new *Section 39* is enacted to provide that the expenses incurred by coroners' activities in investigating deaths that occur in provincial institutions will be borne by the Province instead of by the counties.

2. **Witness Fees.** *Schedule C* is re-enacted to increase the witness fee from \$4. to \$6. per day, the medical practitioners from \$7. to \$15. per day, and to provide for a more adequate travelling allowance.

(Effective September 1st, 1959.)

THE CEMETERIES AMENDMENT ACT, 1959

BILL No. 90

Ontario Statutes, 1959, Chapter 10, effective May 25th, 1959

Notice of Application. *Subsection 2 of Section 35* is re-written to clarify its provisions which provide for the notice that must be given of an application to the Lieutenant-Governor in Council for an order directing the removal of bodies from a cemetery that has been closed.

THE AIR POLLUTION CONTROL AMENDMENT ACT, 1959

BILL No. 6

Ontario Statutes, 1959, Chapter 3, effective March 26th, 1959

1. **Interpretation.** *Section 1* is re-enacted to define "occupant" and "owner" to have the same meaning as in *The Public Health Act*. The term "provincial officer" is also defined.

2. **Municipal By-Laws.** *Clauses f and h of subsection 2 of Section 3* are amended to make their provisions requiring information applicable to any owner or occupant where there are several owners or occupants of premises.

3. **Appeals.** *Section 4* is re-enacted to authorize the municipality to provide for appeals from orders of municipal officers, to prescribe the time within which such appeals may be made as well as the procedure thereon,

and to limit the composition of the appeal board to not less than three and not more than five members. This section also authorizes the county judge to vary a decision of the appeal board.

4. **Power of Provincial Officers.** *Subsection 1 of Section 7* is re-enacted to make it clear that a provincial officer may enter premises in a municipality as well as in territory without municipal organization for the purposes of the Act and may require the owners or occupants to furnish such information as may be necessary.

5. **Appeal.** *Subsection 4 of Section 7* is re-enacted for clarification purposes, and to authorize the judge to vary an order of a provincial officer.

THE AGRICULTURAL SOCIETIES AMENDMENT ACT, 1959

BILL No. 46

Ontario Statutes, 1959, Chapter 2, effective March 26th, 1959

Section 24 is amended to provide that the maximum amount a society may receive as grant in any year is increased from \$1,000 to \$1,500.

THE BEACH PROTECTION AMENDMENT ACT, 1959

BILL No. 36

Ontario Statutes, 1959, Chapter 7, effective March 26th, 1959

Prohibition Against Taking Sand. Formerly an Ontario resident could remove sand from the bed, bank, beach shore or waters of any lake, river, stream, etc., coming under this Act for his personal use without any license or consent. *Subsection 2 of Section 3* is re-written, and a license or the written consent of the local municipality is now required before an Ontario resident may remove sand.

THE CHARITABLE INSTITUTIONS AMENDMENT ACT, 1959

BILL No. 69

Ontario Statutes, 1959, Chapter 14, effective March 26th, 1959

1. **Interpretation.** *Clause bb* is added to *Section 1* to define hostel as a charitable institution maintained and operated for the care of transient and homeless persons.

2. **Grants Paid on Buildings and Additions to Buildings Used as Charitable Institutions.** *Subsection 2 of Section 7* is re-enacted to provide for the payment of subsidy in respect to buildings used as charitable institutions other than hostels on the same basis as before.

3. **Grants Paid on Buildings and Additions to Buildings Used as Hostels.** A new *subsection 2a* has been added to *Section 7* to provide for the payment of a provincial subsidy up to 30% of the capital construction of buildings or additions to buildings used as hostels, provided the municipality in which the building is located pays an amount equal to at least 20% of the cost of the building to the charitable institution.

THE CONSERVATION AUTHORITIES AMENDMENT ACT, 1959

BILL No. 55

Ontario Statutes, 1959, Chapter 18, effective May 25th, 1959

1. **Where Part Only of Township Under Authority.** *Section 8* is amended by adding thereto *subsection 1a* which provides that where part only of a township is situated in an area over which an authority has jurisdiction, the number of members appointed for the township shall be based on the population of that part only of the township and such population shall be deemed to be the same proportion of the total population of the whole township as the number of acres in the part of the township is of the total acreage of the township. (*Members of every authority heretofore established, appointed for a township only part of which is in the area under the jurisdiction of the authority, shall cease to hold office on the 31st day of December, 1959, and members for such a township shall thereafter be appointed in accordance with subsection 1a of Section 8.*)

THE FOREST FIRES PREVENTION AMENDMENT ACT, 1959

BILL No. 92

Ontario Statutes, 1959, Chapter 38, effective March 26th, 1959

1. **Agreement Authorized for Forest Fire Prevention and Control.** *Section 15* is re-written and *subsection 1* now provides that the Minister and any municipality, any licensee under *The Crown Timber Act, 1952* or any owner or tenant of railway lands under *The Railway Fire Charge Act* may enter into agreement with respect to the prevention and control of forest fires.

2. **Affect of Agreement with Municipality.** There is no change in principle in *subsection 2* which provides that while an agreement with a municipality is in effect, any expenses incurred by the Department in carrying out the agreement will be paid by the Province.

3. **Affect of Agreement with Crown Timber Licensee or Owner or Tenant of Railway Lands.** *Subsection 3* provides that during the lifetime of these agreements the cost of controlling and extinguishing fires is covered by the terms of the agreement and not by the rule of *Section 12 (4)* which makes the timber operator or the owner or tenant of railway lands liable unless he can establish that the fire did not result from his operations.

THE FORESTRY AMENDMENT ACT, 1959

BILL No. 26

Ontario Statutes, 1959, Chapter 39, effective March 26th, 1959

1. **Loans.** A new *subsection 2* is added to *Section 2* to enable the Minister to make loans without interest to any conservation authority established under *The Conservation Authorities Act* or to any municipality for the purpose of assisting it in the acquisition of lands that are suitable for forestry purposes, and that are to be reforested and managed under an agreement entered into under the Act.

THE JURORS AMENDMENT ACT, 1959

BILL No. 14

Ontario Statutes, 1959, Chapter 48, effective September 1st, 1959

Jurors' Fees. *Section 90* is re-enacted to increase a juror's fees from \$6. to \$10. a day and to provide a more adequate travelling allowance.

THE JUVENILE AND FAMILY COURTS ACT, 1959

BILL No. 78

Ontario Statutes, 1959, Chapter 49, effective March 26th, 1959

This is a complete revision of the Act. It is designed to improve the administration of justice in the juvenile and family courts by providing for the employment of officers and staff and for the establishment of facilities comensurate with their needs.

The provisions dealing with the appointment, salaries and status of the officers and members of the staff of juvenile and family courts are clarified.

Provision is made for the establishment of detention and observation homes.

Provision is also made for the appointment of an executive officer and for the establishment of diagnostic clinics in large city courts.

The Juvenile and Family Courts Act, 1954 and *The Juvenile and Family Courts Amendment Act, 1955* are repealed.

THE ONTARIO WATER RESOURCES COMMISSION AMENDMENT ACT, 1959

BILL No. 109

Ontario Statutes, 1959, Chapter 70, effective March 26th, 1959

1. **Prepayment.** *Section 42* is amended by adding a new *clause 3a* which authorizes a municipality to pay in advance any sum for which it will become liable under an agreement with the Commission.

2. **Discharge of Indebtedness.** *Subsection 5 of Section 42* is re-enacted to clarify the right of a municipality to raise money to pay its liability under an agreement entered into under the Act.

THE VITAL STATISTICS AMENDMENT ACT, 1959

BILL No. 57

Ontario Statutes, 1959, Chapter 105, effective March 26th, 1959

1. **Statement of Birth When Parents Fail to Supply Statement.** A new *Section 7a* is enacted to clarify the birth registration procedure in cases in which the parents fail to supply the statement of birth.

2. **Registration in Another Registration Division.** *Subsection 1 of Section 18* is re-written to simplify the duties of division registrars who register deaths that have occurred in other registration divisions. This subsection provides if a death has occurred and it is impracticable to register it, by reason of distance, with the division registrar of the proper registration division, registration of the death may be made with the nearest division registrar who, upon payment of the prescribed fee, shall register the death and issue an acknowledgement of registration of death and a burial permit.

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